

1  
2  
3  
4  
5  
6  
7  
8 UNITED STATES DISTRICT COURT  
9 WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

10 THE NAUTILUS GROUP, INC.,

11 Plaintiff,

12 v.

13 ICON HEALTH & FITNESS, INC.,

14 Defendant.  
15

CASE NO. C02-2420RSM

ORDER DENYING SUMMARY  
JUDGMENT

16 This matter comes before the Court on plaintiff's Cross-Motion for Partial Summary that  
17 the Crossbow Product Infringes Claim 1 of the '057 Patent and Claim 1 of the '704 Patent.  
18 (Dkt. #457). Plaintiff argues that the Crossbow meets every element of these claims, and  
19 therefore, summary judgment is appropriate in its favor.

20 The Court has already determined that the Crossbow does not meet several limitations  
21 set forth in those claims, and the Court continues to rely on the reasoning set forth in that Order.  
22 (Dkt. #519). As this Court has noted previously, if even one limitation of a claim is not met by  
23 an accused device, either literally or by equivalents, there is no infringement as a matter of law.  
24 *Lockheed Martin Corp. v. Space Systems/Loral, Inc.*, 324 F.3d 1308, 1321 (Fed. Cir. 2003).  
25 Accordingly, the Court finds that summary judgment in favor of plaintiff is not appropriate on  
26 this issue.

1 Accordingly, the Court does hereby ORDER:

2 (1) Plaintiff's Cross-Motion for Summary Judgment (Dkt. #457) is DENIED.

3 (2) The Clerk shall forward a copy of this Order to all counsel of record.

4  
5 DATED this \_27\_ day of May, 2005.

6  
7 

8 RICARDO S. MARTINEZ  
9 UNITED STATES DISTRICT JUDGE  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26